



Town Council Agenda Report

SUBJECT: Quasi Judicial Hearing: Rezoning

CONTACT PERSON/NUMBER

Name: Mark Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

ZB 4-1-00 Davie Builders, LLC, petitioner/Virginia Ann Loecher and John Loecher, Jr., owners -
General Address: 5230 Pine Island Road/Generally located between SW 82nd Avenue to the east and Pine Island Road to the west, approximately 3/4 of a mile north of Stirling Road.

REPORT IN BRIEF:

The petitioner is proposing to rezone 3.1 acres of land from A-1, Agricultural District to CF, Community Facilities district, in order to accommodate a land swap between Davie Builders and Alpha Baptist Church. The land swap will provide Alpha Baptist Church with a more usable parcel of land while allowing Davie Builders to utilize the existing long and narrow parcel owned by Alpha Baptist Church as a lake parcel to support a proposed residential development.

The proposed CF, Community Facilities District zoning designation is consistent with the existing Residential (3 du/ac) land use designation. Also, access to the subject will be limited to Pine Island Road only, thereby, eliminating any traffic impacts to SW 82 Avenue. Traffic impact will be negated by reductions in density and intensity relating to application ZB 7-1-99, associated with this request.

Staff believes this request is consistent with the Town's Comprehensive Plan, will not increase traffic above that anticipated under existing conditions of the area, and will not be harmful to the welfare of the general public.

PREVIOUS ACTIONS: None.

CONCURRENCES:

- The petition is also seeking a variance (V 4-2-00) from the minimum separation between houses of worship which is scheduled to be presented to the Planning and Zoning Board on May 24, 2000 and the Town Council on June 7, 2000.
- The Planning and Zoning Board recommended approval subject to approval of petition V 4-2-00 (motion carried 4-0, May 10, 2000).

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to approve, subject to approval of petition V 4-2-00.

Attachment(s): Planning report with back-up, land use map, subject site map, and aerial.

Application #: ZB 4-1-00

Revisions:

Exhibit "A":

Original Report Date: 5/3/00

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Agent:

Name: Virginia Ann Loecher &
John Loecher, Jr.
Address: 2402 N. Berry's Chapel Rd.
City: Franklin, TN 37069
Phone: (615) 595-7061

Name: Davie Builders, LLC
Mark Stelnik, Director
Address: 2615 South University Drive
City: Davie, FL 33328
Phone: (954) 474-2800

BACKGROUND INFORMATION

Application Request: To rezone 3.1 acres of land from A-1, Agricultural District to CF, Community Facilities District.

Address/Location: General Address 5230 Pine Island Road/Generally located between SW 82 Avenue to the east and Pine Island Road to the west, approximately 3/4 of a mile north of Stirling Road.

Land Use Plan Designation: Residential (3 du/ac)

Zoning: A-1, Agricultural District

Existing Use: Vacant Land

Proposed Zoning: CF, Community Facilities District

Proposed Use: Alpha Baptist Church

Parcel Size: 3.1 acres (135,684 square feet)

Surrounding Land Use:

Land Use Designation

North: Vacant Land
South: Vacant Land
East: Vacant Land
West: Single Family Homes, across Pine Island Road within the municipal boundaries of

Community Facilities
Residential (3 du/ac)
Residential (3 du/ac)
Residential (3 du/ac)
Cooper City

Surrounding Zoning:

North: CF, Community Facilities District
South: A-1, Agricultural District
East: A-1, Agricultural District
West: Cooper City Residential (3 du/ac)

ZONING HISTORY

Related Zoning History: None.

Previous Requests on same property:

- LABC (SS) 99-4A: Land Use Plan Amendment from Community Facilities to Residential (3 du/ac). January 26, 2000, applicant withdrew this request.
 - ZB 7-1-99: Rezoning from A-1 and CF to R-5, with 18 reserve units. Approved for merits on September 1, 2000 and first reading of the ordinance on September 15, 2000. Second reading of this ordinance is scheduled for the June 7, 2000 Town Council meeting.
 - V 7-1-99: Variance for reduction in minimum separation between houses of worship. Approved on merits on September 1, 1999.
 - V 7-2-99: Variance for reduction in minimum lot area, lot frontage, and minimum side setback within R-5 zoning. Approved on merits on September 1, 1999.
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DEVELOPMENT PLAN DETAILS

This rezoning will provide land zoned CF, Community Facilities for Alpha Baptist Church, to replace land that the Church sold to Davie Builders for development of residential homes to the north and east of the subject site.

Applicable Codes and Ordinances

Land Development Code Section 12-307, Review for Rezonings.

Comprehensive Plan Considerations

Planning Area: This property falls within Planning Area 10. This planning area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Commercial development of retail centers and office buildings line the west side of the University Drive corridor. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, and an 8 acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These include, but are not limited to, a regional library, multiple church uses of varying scales, a girl scout campground facility, and a private school.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

The petitioner will be required to plat this property through the Town of Davie and Broward County. Concurrency review, including roadways and utilities infrastructure will be reviewed at the time of platting. This site does not fall within a compact deferral area as identified by the Broward County Compact Deferral map.

Applicable Goals, Objectives & Policies:

Future Land Use Policy 13-2: Community Facilities may be permitted in land use categories other than the Community Facilities category, provided such development is compatible with and does not adversely affect the development of the surrounding land for designated purposes.

Future Land Use Policy 13-3: The location of regional community facilities should be encouraged, as appropriate, in close proximity to primary transportation facilities and in areas where such uses are complementary to surrounding existing and planned uses.

Future Land Use Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Staff Analysis

The petitioner is proposing to rezone 3.1 acres of land from A-1, Agricultural District to CF, Community Facilities district, in order to accommodate a land swap between Davie Builders and Alpha Baptist Church.

The proposed CF, Community Facilities District zoning designation is consistent with the existing Residential (3 du/ac) land use designation. Also, access to the subject will be limited to Pine Island Road only, thereby, eliminating any traffic impacts to SW 82 Avenue. Traffic impact will be negated by reductions in density and intensity relating to application ZB 7-1-99, associated with this request.

In conclusion, staff believes this request is consistent with the Town's Comprehensive Plan, will not increase traffic above that anticipated under existing conditions of the area, and will not be harmful to the welfare of the general public.

Findings of Fact

Section 12-309(B)(1)

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change may not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will not adversely affect living conditions in the neighborhood;

- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
 - (f) The proposed change will not adversely affect other property values;
 - (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;
 - (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
 - (i) There are not substantial reasons why the property cannot be used in accord with existing zoning.
 - (j) The proposed zoning designation is not the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.
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Staff Recommendation

Recommendation: Based upon the above and the overall finding of facts in the positive, staff recommends **approval** of application no. ZB 4-1-00, subject to approval of variance petition V 4-2-00.

Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval subject to approval of petition V 4-2-00 (motion carried 4-0, May 10, 2000).

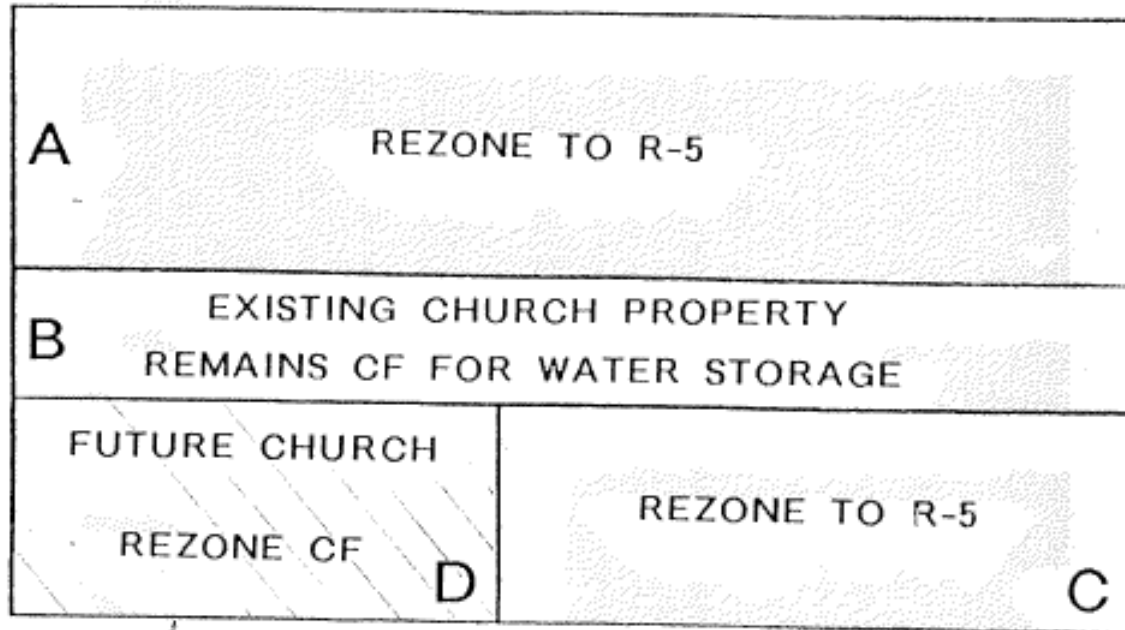
Exhibits

1. Petitioner's Land Designation Map
2. Land Use Map
3. Subject Site Map
4. Aerial

Prepared by: _____

Reviewed by: _____

LAND DESIGNATION MAP



SUBJECT SITE

